

## **REMARKS**

In this the first Office Action, the fifteen submitted claims were variously rejected under 35 U.S.C. § 102 and 103. Based upon the following, reconsideration of the pending claims is respectfully requested.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-6 and 8-13 were rejected as being anticipated by Kamille. A number of patentable differences exist between Kamille and the claimed inventions.

1. Independent claims 1 and 8 specifically recite "a plurality of play areas on a ticket, each of the plurality of play areas having a hidden symbol, only one said hidden symbol on the ticket being a directional symbol." The original language of "one" as been clarified to recite "only one." One directional symbol is only one. This teaching simply is not found in Kamille and Kamille is not an anticipatory reference. In Figure 7C of Kamille, six "START" arrows are shown on the ticket and each play area has a directional symbol. In the example of Figure 1 of the present invention, a player picks one of five "play areas," but only one of the play areas has a hidden directional symbol. This is a critical difference as the other hidden symbols are not directional symbols. To the complete contrary, Kamille requires each of its play areas to have a directional symbol. The claimed invention is only one directional symbol and selecting any other area results in other than a directional symbol (and, therefore, no award).

2. Independent claim 1 further clarifies the above by affirmatively stating "the remaining hidden symbols being end of game symbols." As shown in Kamille's Figure 7C, each "START" requires uncovering a directional symbol.

3. In Kamille, the player must follow the initial uncovered directional symbol to continue play by uncovering another symbol which is always another directional symbol. Again, this is not the present invention as claimed in claims 1 and 8 where the player upon uncovering the directional symbol, play stops and the player then uncovers awards in an award play area corresponding to only those award areas "as authorized when the directional symbol is revealed." Hence, claim 1 is not anticipated by Kamille. For example, in Kamille's Figure 7C, if the player starts at the "START" arrow at the bottom of the ticket the player uncovers an arrow that points up and an arrow that points to the right. The uncovering of the arrow pointing up joined with an arrow pointing to the right does not authorize any awards (as claimed in the

present invention) as the player must now choose a direction which is totally contrary to the teachings of the present invention. Hence, claims 1 and 8 and their dependent claims are not anticipated by Kamille nor are these specific claimed features rendered obvious thereby. Allowance of these claims is respectfully requested.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 7 and 14 are rejected under 35 U.S.C. § 103(a). It is recognized that a pull-tab is a conventional version of seal card game as is scratch off material. However, when dependent claims 7 and 14 are read with their corresponding independent claims, the claims are patentably distinct over Kamille, as stated above, in view of Irwin, Jr. The arguments in the preceding section are incorporated herein by reference.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamille and further review of Frito-Lay.

At the outset, in this rejection, hindsight, based upon the language of claim 15, is being used to reconstruct the invention based upon the reference to Frito-Lay and to Kamille. Even so, there is no disclosure in Kamille (or in Frito-Lay) of providing only one hidden symbol in the plurality of play areas and "end of game symbols" in the other play areas. This is not shown in Figure 7C or taught by Kamille. Nor is there a topological area authorized in the separate award areas when the uncovered hidden symbol is a directional symbol. The discussion set forth above is herein incorporated by reference. It is maintained that claim 15 is not rendered obvious by the teachings of Kamille in view of Frito-Lay and allowance of this claim is respectfully requested.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER, P.C.

Date: 11/30/04

By: Robert C. Dorr

Robert C. Dorr  
Reg. No. 27,782  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010

C:\DOCS\Patent\Mikohn\162(h) - Response to 09-21-2004 OA